

ORIGINAL

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Attorneys for Plaintiff
 MMC Energy, Inc.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X		
MMC ENERGY, INC.,	:	08 Civ 4353 (DAB)
Plaintiff,	:	
	:	
vs.	:	
	:	
KARL W. MILLER,	:	
Defendant.	:	
	:	
-----X		

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

Plaintiff MMC Energy, Inc., asks the Clerk of the Court to enter default against Defendant, Karl W. Miller, as authorized by Fed. R. Civ. P. 55.

Plaintiff filed suit on May 8, 2008 by the filing of the Summons and Complaint. The Summons and Complaint was served on June 4, 2008 by Auria Tellechea of Cape Fear Investigative Services, by leaving a copy of the Summons and Complaint at the Defendant's dwelling with Joe Hearne, a co-resident of the Defendant and a person of suitable age and discretion. A courtesy copy of the Summons and Complaint was also sent to Defendant's counsel, Thomas J. Hall of Chadbourne & Parke LLP, by hand delivery and email on May 8, 2008, and another courtesy copy was mailed by first class mail to Defendant on June 16, 2008. Proof of service was filed on June 23, 2008.

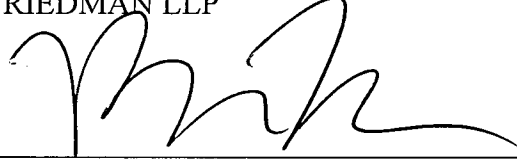
The Defendant did not file an answer or other responsive pleading within twenty (20) days after June 4, 2008, and the time for answering the Complaint has expired. Plaintiff meets the procedural requirements for obtaining entry of default from the Clerk as demonstrated by Brian S. Kaplan's sworn affidavit attached hereto.

WHEREFORE, Plaintiff asks the Clerk to enter default in favor of the Plaintiff.

Dated: New York, New York
July 3, 2008

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

By 

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KARL W. MILLER,	:	
Defendant.	:	
	:	
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ENTRY OF DEFAULT BY CLERK

It appearing from the records in the above-referenced action that summons has been served upon the Defendant, Karl W. Miller, and it appearing from the affidavit of counsel for Plaintiff, Brian S. Kaplan, and other evidence as required by Fed. R. Civ. P. 55 that the Defendant has failed to plead or otherwise defend this action as directed in said summons and as provided in the Federal Rules of Civil Procedure;

NOW THEREFORE on request of counsel, the default of Defendant, Karl W. Miller, is hereby entered.

Dated July 2, 2008

S. Michael Miller
By: 2
Deputy Clerk